



## Dominica

### Country Reports on Human Rights Practices - [2003](#)

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Dominica is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a unicameral legislative assembly compose the Government. A president, nominated by the Prime Minister in consultation with the leader of the opposition party, and elected for a 5-year term by the Parliament, was head of state with largely ceremonial powers. Prime Minister Pierre Charles' Dominica Labour Party (DLP) prevailed in generally free and fair elections in 2000. The DLP holds a majority coalition in the Parliament. The judiciary is independent.

The Dominica Police--the only security force--was controlled by and responsive to the democratically elected Government. Some members of the security force committed human rights abuses.

The country's primarily agrarian, market-based economy depended heavily on earnings from the declining banana industry. The country had a population of approximately 72,000. The Government's efforts to market the island as an ecotourism destination produced mixed results, and the economy contracted by 4.7 percent in 2002. There was a high external debt, and the International Monetary Fund estimated the unemployment rate at over 26 percent at year's end.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Prison conditions were poor; violence against women and children was a problem; and there were instances of discrimination against indigenous Carib Indians and societal discrimination against female Caribs in mixed marriages.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, but there were some complaints of use of excessive force by the police.

The police have a formal complaint procedure to handle such allegations (see Section 1.d.). During the year, the police force received 50 complaints, of which 1 was sent to the Director of Public Prosecution (DPP) for consideration of possible charges, 3 were referred to the Police Service Commission for action, 1 warning was issued, 1 officer was found guilty, 15 were dismissed for lack of evidence, and 29 cases remained pending at year's end.

Prison conditions were poor. Overcrowding and unsanitary conditions continued to be problems in the prison, which held 243 prisoners at year's end in a 60-year-old facility designed to hold 60 to 80 inmates. The prison provided work therapy, music and sports programs, educational opportunities, and counseling for inmates. Prisoners continued to complain about the poor quality of prison food; however, prison officials noted that prisoners had access to fresh pork from pigs raised at the prison. Pretrial detainees were housed with convicted prisoners, due to overcrowding and a lack of sufficient holding cells. Female prisoners were segregated from male prisoners, and juveniles were segregated from adult inmates.

The Government permitted prison visits by independent human rights observers.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that the authorities inform persons of the reasons for arrest within 24 hours after arrest and bring the detainee to court within 72 hours. This requirement generally was honored in practice; however, if the authorities were unable to bring a detainee to court within the requisite period, the detainee could be released and rearrested later.

The 440-person police force was stretched thin and was understaffed by approximately 50 persons. Public complaints against the police are reviewed by the Deputy Police Commissioner, who initiates an investigation. After the investigation, a tribunal is formed to review the information and, if appropriate, it is referred to the DPP of the Police Service Commission for internal resolution. The Welfare Department has provided training on child abuse to the police Criminal Investigation Division, which handles these complaints. The police force last received human rights training 2 or 3 years ago.

The Constitution prohibits exile, and the Government did not use it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and it was generally independent in practice.

The judicial system is composed of a high court judge, 5 magistrates, and 10 magistrate courts located in police stations around the country. Appeals can be made to the Eastern Caribbean Supreme Court and to the Privy Council in the United Kingdom.

The law provides for public trial before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right to appeal. Courts provided free legal counsel to the indigent only in capital cases.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices; government authorities generally respected these prohibitions, and violations were subject to effective legal sanction.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for the right of free expression, and the Government generally respected this right in practice. The political opposition openly criticized the Government.

The print media consisted of three private newspapers and political party journals; all published without censorship or government interference. The principal radio station was state-owned and had a government-appointed board. There were also two independent radio stations owned by private companies and a Christian radio station. Citizens had access to independent news sources through cable television and radio reception from neighboring islands.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. The Government may revoke passports if subversion is suspected but has not done so in the past several years.

The Government has not formulated a policy regarding refugees or asylum. In practice, the Government provided protection against refoulement, but did not routinely grant refugee status or asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The unicameral legislative assembly, called the House of Assembly, is composed of 21 parliamentary representatives and 9 senators. The representatives are elected by popular vote. The President appoints the senators; five senators are chosen with the advice of the prime minister and four with the advice of the opposition leader. Elections must be held at least every 5 years, although the Prime Minister can call elections at any time.

In January 2000, the DLP won 10 seats in generally free and fair elections, defeating the United Workers' Party (UWP), which had held power since 1995. DLP leader Roosevelt P. "Rosie" Douglas forged a majority coalition of 13 seats out of the 21 elected seats in Parliament, with the Dominican Freedom Party, holder of 2 seats, and 1 former UWP parliamentarian who changed party affiliation to join the DLP Government. Douglas died in office in October 2000, and the former Minister of Communication and Works, Pierre Charles, became Prime Minister.

There were no impediments in law or in practice to the participation of women in leadership roles in government or political parties. There were 6 women in the 30-seat legislature: 2 elected parliamentary representatives and 4 senators appointed by the President. There were no women in the Cabinet.

There were no impediments in law or in practice to the participation of Carib Indians in national political life. The Parliamentary Representative for Indigenous People was a Carib Indian; he served concurrently as the Prime Minister's Parliamentary Secretary with responsibility for Carib affairs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no government restrictions on the formation of local human rights organizations, although no such groups existed. Several advocacy groups, such as the Association of Disabled People, the Dominican National Council of Women, and a women's and children's self-help organization, operated freely and without government interference. There were no requests for investigations of human rights abuses from international or regional human rights groups.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution includes provisions against racial, sexual, and religious discrimination, which the authorities generally respected in practice.

Women

Domestic violence cases were common. Government and nongovernmental organizations (NGOs), including religious organizations, tried to address this problem. There was no family court to deal specifically with domestic violence issues. Women could bring charges against husbands for battery, and both the police and the courts prosecuted cases of rape and sexual assault, but there are no specific spousal abuse laws. All rape cases were handled solely by female police officers. The Department of Labor established a crisis response mechanism to assist women who were victims of domestic violence. The Welfare Department of the Ministry of Community Development assisted victims of abuse by finding temporary shelter, providing counseling to both parties, or recommending police action. The Welfare Department reported all cases of abuse to the police.

In 2001, a Protection Against Domestic Violence Act was enacted that allows abused persons to appear before a magistrate without an attorney and request a protective order. The court may also order that the alleged perpetrator be removed from the home in order to allow the victims, usually women and children, to remain in the home while the matter was being investigated. Police enforcement of protective orders increased after enactment of this act and after officers received training in dealing with domestic abuse cases. The Dominica National Council of Women, an NGO, taught preventive education about domestic violence and maintained a shelter where counseling and mediation services were available daily and provided to approximately 150 persons. Due to a shortage of funding, the organization could only permit persons to stay at the shelter for several days at a time; however, if needed, further housing was provided in private homes for up to 3 weeks. The Catholic Church continued to be active in educating the public about domestic violence.

Sexual harassment was a problem.

While there was little open discrimination against women, property ownership continued to be deeded to "heads of households," who were usually males. When the male head of household dies without a will, the wife may not inherit the property or sell it, although she may live in it and pass it to her children. In the civil service, the law establishes fixed pay rates for specific jobs, whatever the gender of the incumbent. According to the Labor Department, many women in rural areas found it difficult to meet basic needs, at least in part owing to the decline in the banana export industry.

#### Children

The law stipulates that the Government should protect the rights of children to education and health care. Education was compulsory through the age of 16, and primary health care was available throughout the island.

Various laws enumerate children's rights, but their enforcement was hampered by lack of staffing in government agencies. There were nine staff members in the social welfare office that handled all welfare problems, including complaints of child abuse. The Welfare Department estimated that there were over 200 cases of child abuse during the year, compared with 189 in 2002. The Department also reported that through September there were 52 reports of child sex abuse, of which 21 involved incest. There was an increase in the number of child abuse cases in the Carib reservation. The Welfare Department believed that the increase in reported cases throughout the country was due to the Government's plan outlined in its Child Abuse Report and Procedures and a few highly publicized brutal child abuse cases, which greatly increased awareness of the problem.

Although the maximum sentence for sexual molestation (rape, incest) is 25 years' imprisonment, the normal sentence given was 5 to 7 years except in the case of murder. The age of consent for sexual relations is 16 years.

#### Persons with Disabilities

Beyond the general protection of the Constitution, there was no specific legislation to address problems facing persons with disabilities. However, the labor laws permit authorization of employment of a person with disabilities for less than the minimum wage, in order to increase opportunities for employment of such persons (see Section 6.e.). There was no requirement mandating access for those with disabilities.

#### Indigenous People

There was a significant Carib Indian population, estimated at 3,400 persons, most of whom lived on a 3,782-acre reservation created in 1903 and expanded in 1997. About 65 percent of the Carib population were between the ages of 18 and 35. There was a three-person police station on the reservation; the police assigned there were generally Carib Indians. School, water, and health facilities available on the Carib reservation were rudimentary but similar to those available to other rural citizens; however, there was no secondary school on the reservation. Most Carib Indians engaged in farming, fishing, and handicrafts. Unemployment was believed to be higher than in rest of

the country, while the average income was below the national average. The Government built the Carib Model Village to showcase Carib culture; however, it was not yet open to the public.

The reservation is governed by the 1978 Carib Act. This act states that any child of a Carib Indian is also Carib. Non-Caribs may become Carib Indians if they are invited to live in the territory with a Carib and then do so for 12 years. Carib Indians over the age of 18 who reside there are eligible to vote for the Chief and six members of the Council of Advisors (they also are eligible to vote in national elections). Separate elections for council members and the Chief were held every 5 years. According to the Carib Act, the Council must meet once a month, determine the Chief's itinerary, and publish council meeting agendas in the government Gazette.

Building permits for homes within the reservation were obtained from the Carib Council and were available only to Carib Indians. As a result, Carib women who were married to, or who lived with, non-Carib men were often advised to put the home in their names. Until 1979, the Carib Act allowed Carib men married to non-Carib women to continue living on the Carib reserve but dictated that Carib women married to non-Carib men had to move off the reservation. Although the law changed, practice had not yet changed. An estimated 25 percent of the Carib Indian population was believed to be in mixed marriages or relationships.

One of the major issues facing the Carib Indians was the increasing encroachment on their territory by farmers, particularly on the southern side of the reservation. The 1903 land grant, on which the Carib Indians based their claim to the land, does not clearly delineate the reservation boundaries. Another issue for the Carib Indians was their difficulty in obtaining bank financing. As all land on the reservation was held communally, individuals were not able to pledge land as collateral for loans.

## Section 6 Worker Rights

### a. The Right of Association

All workers have the legal right to organize, to choose their representatives, and to strike. Unions represented approximately one-third of the total work force, although slightly over half of government workers were unionized.

The law prohibits anti-union discrimination by employers, and judicial authorities enforced union rights. In addition, employers must reinstate workers fired for union activities; however, unions were concerned that this law was not being honored. Both the National Workers Union and the Waterfront and Allied Workers Union pursued separate cases on behalf of shop stewards who the unions alleged were dismissed for union activities. These two cases remained unresolved at year's end. The law also requires that employers recognize unions as bargaining agents once both parties have followed appropriate procedures, and this requirement was honored in practice. Department of Labor inspectors, under the supervision of the Labor Commissioner, enforce labor legislation.

All unions were independent of the Government. While there were no direct ties, members of certain political parties dominated some unions.

Unions may and do affiliate with various international labor bodies.

### b. The Right to Organize and Bargain Collectively

Unions have legally defined rights to organize workers and to bargain with employers. Collective bargaining was widespread in the nonagricultural sectors of the economy, including in government service, and there was also recourse to mediation and arbitration by the Government.

Workers have the right to strike; however, the banana, coconut, and citrus fruit industries as well as port services were deemed "essential services," which effectively prohibited workers in these sectors from going on strike. The International Labor Organization (ILO) considered this definition overly broad. The ILO repeatedly urged the Government to amend legislation so that restrictions on the right to strike would only be imposed in the case of services limited to those the interruption of which would endanger the life, personal safety, or health of the whole or part of the population, or in the case of an acute national crisis. The ILO noted that existing legislation made it possible to stop a strike by compulsory arbitration and empowered the Minister to refer disputes to compulsory arbitration if in his or her opinion it concerns serious issues. The Industrial Relations Advisory Board, which is composed of union members, government representatives, and private businessmen, advised the Minister of Labor to amend this legislation and remove the coconut and citrus industries from the definition of "essential services." By year's end, the Government had not taken any action to amend this legislation.

In February, the Public Service Union led an 8-day strike that severely affected government business to protest the Prime Minister's cost-cutting proposals, which involved salary reductions. Further demonstrations and sick outs were held in March, causing the temporary closure of the airports when the Government announced that it would not pay the workers that went on strike in February. The Public Service Union brought two court challenges to this government action, but no hearing date had been set by year's end. Additional demonstrations occurred in June and July to protest the additional cuts in the Government's budget. Unions reported that the demonstrations were peaceful, and there was no difficulty in obtaining permits for the demonstrations in advance.

There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. The ILO has asked the Government to repeal the National Service Act, on the grounds that it is conducive to forced labor for economic development; the Government took no action to do so.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Two acts prohibit employment of children, but define "child" differently, one as under age 12 and the other under age 14. The Government has ratified the ILO Minimum Age Convention, specifying 15 years as the minimum age for employment, and abides by this standard in principle.

#### e. Acceptable Conditions of Work

The law sets minimum wages for various categories of workers, but these were last revised in 1989. The minimum wage rate for some categories of workers (e.g., household employees) was as low as \$0.37 (EC\$1.00) per hour if meals were included. However, minimum wages for most workers fell in a range between \$0.74 (EC\$2.00) per hour for tourist industry workers to \$1.11 (EC\$3.00) per hour for occupations such as shop clerks. Minimum wages were not sufficient to provide a decent standard of living for a worker and family. However, most workers (including domestic employees) earned more than the legislated minimum wage for their category. The Minimum Wage Advisory Board met in 1998 and recommended increases in these wage levels, but the Government had not yet acted upon these recommendations at year's end.

The labor standards laws state that no employer shall establish or maintain differences in wages between men and women performing the same or similar work with parallel responsibilities under similar conditions. The law further states that no employer may reduce the wages of an employee to comply with equal wage standards. The labor laws also provide that the Labor Commissioner may authorize the employment of a person with disabilities at a wage lower than the minimum rate in order to enable that person to be employed gainfully.

The standard legal workweek is 40 hours in 5 days. The law provides for a minimum of 2 weeks' paid vacation per year. The Employment Safety Act provides occupational health and safety regulations that are consistent with international standards. Inspectors from the Environmental Health Department of the Ministry of Health conduct health and safety inspections. The rarely used enforcement mechanism consists of inspections by the Department of Labor, which can and does prescribe specific compliance measures, impose fines, and prosecute offenders. Workers have the right to remove themselves from unsafe work environments without jeopardy to continued employment.

#### f. Trafficking in Persons

In November, the Immigration and Passport Act was amended to state "a person is guilty of an offense of human trafficking if that person assists any other person to enter or leave Dominica in an unlawful manner." A person convicted of such an offense is liable for a fine of \$37,500 (EC\$100,000) and/or imprisonment of up to 7 years. There were reports that migrants were smuggled through Dominica to St. Maarten. There were no reports that persons were trafficked to, from, or within the country.

The country has an economic citizenship program that allows foreign investors to purchase passports through loosely monitored procedures requiring cash inflows ranging from \$75,000 to \$100,000 (EC\$200,000 to EC\$270,000) for a family of up to four persons. This process reportedly facilitated the illegal immigration of persons from China and other countries to North America. The Government refused to end the economic citizenship program, despite complaints from the Governments of Canada, Australia, and the United States. Since the

beginning of the economic citizenship program in 1996, the Government estimated that over 700 applicants received citizenship. During the year, 15 persons purchased citizenship, compared with 85 in 2002.